

**RESTRICTIONS AND COVENANTS
CONCERNING UTOPIA ESTATES PHASE I SUBDIVISION
LEWISBURG, MASON COUNTY, KENTUCKY**

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RZKB
9-20-99

This statement of Subdivision Restrictions and Covenants is made this 8th day of September, 1999, by **SCOTT HAMMONDS, DONALD G. LOGAN and THOMAS W. MARSHALL, SR.,** as members of **H.M.L. Development, LLC.**

WITNESSETH:

NOW, THEREFORE, the following restrictions and covenants are made and declared to apply to all lots (or portions thereof) in Utopia Estates Subdivision, a plat of which is of record in Plat Cabinet 2, Slide 37, in the office of the Mason County Clerk in Maysville, Kentucky:

1. Minimum square footage in a single story residence shall be 1500 square feet. Minimum square footage in a multi-level residence shall be 1100 square feet on first floor, and a minimum of 1800 square feet total. Garage, basement and porches are not to be included in square footage. All residence buildings shall have an attached, minimum two-car, garage.

000586

2. Building set back lines are shown on the plat. Utility easements are reserved as shown on the plat.

3. Fences shall be wood, three or four plank, in black, white, or color of trim of main dwelling. Chain link fences are approved. Only back yards shall be fenced.

4. Within six (6) months of completion of the house or occupancy of the dwelling all landscaping work and driveway must be completed.

5. All driveways will be large enough to provide off-street parking and must be paved with asphalt or be poured concrete. On-street parking is only permitted temporarily for guests of the homeowner.

6. There shall be no exposed trash or garbage receptacles.

7. Only one (1) unattached garage or accessory building shall be permitted on any said residential lot, and it shall only be constructed so as to conform with the architectural design and materials used on main residence on said lot. Any building must be completed within one year from start of construction.

8. No principal residence building or accessory building shall be constructed of concrete blocks, brick siding, drop siding, asbestos, shingles, or logs.

9. There shall be no exposed concrete blocks.

10. No retail, manufacturing or commercial enterprise, or enterprise of any kind for profit, shall be maintained upon, in front of, or in connection with any lot in this Phase of the

subdivision.

11. No sign of any kind shall be displayed to public view on any lot. Except one (1) sign no larger than three (3) square feet which advertises the property for sale is permitted, or a sign used by builders to advertise the property during the construction and sale is also permitted.

12. Septic tank and lateral lines must be approved by representatives of the Kentucky Department of Health.

13. The owner of any lot may keep thereon either dogs, cats, or other ordinary household pets, provided that the same are not to be kept, bred, or maintained for any commercial purpose. Animals are to be confined to their owner's lot and not allowed to run free. Any house for pets must be kept next to the back of the house, or next to the back fence.

14. No structure of temporary character such as a single wide mobile home, double wide mobile home, trailer, basement, tent, shack or other building shall be used on any lot at any time as a residence either temporary or permanent. Owners must keep any campers, boats, or motor homes stored behind the house on said lot, and same shall not be maintained or stored in the residential driveway.

15. All owners of lots must keep lot mowed and in a neat and orderly condition until such time as dwelling is constructed.

16. All residences shall front upon the street known as Utopian Way as shown in the plat referred to in the premises, in

000588

conformity with all set-back lines.

17. Street lighting has been installed in the development by the developer, in conjunction with Kentucky Utilities. The development is billed monthly for the street lighting and each lot owner will be assessed a quarterly payment, payable to the development, to operate and maintain the street light system in the subdivision. Initial payments will be \$45.00 per quarter, per lot. Any future cost increases billed by Kentucky Utilities to the development will be passed through to each lot owner in a like percentage increase, payable by lot owner to the development in the quarterly payment.

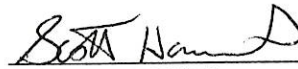
18. In order to present a coordinated appearance throughout the subdivision, this development requires each lot owner to use a mailbox and post to be provided to lot owner by developer at a cost to lot owner equal to developer's cost of acquiring said mailbox and post. The mailbox and post design coordinates with the design of the street lighting. Installation, maintenance and upkeep of said mailboxes shall be the responsibility of lot owner. In addition, no other brick entranceway or other substantial structure shall be erected at or near the entrance to each lot.

19. It shall be lawful for any person owning property in Utopia Estates Phase I Subdivision to take such legal steps as may be necessary against any person violating or attempting to violate any of these restrictions or covenants.

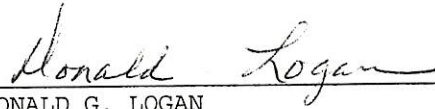
20. Invalidation of any one or more of these covenants shall

have no effect on other covenants and provisions contained herein.

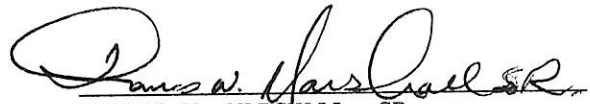
21. It is further the intention of Scott Hammonds, Donald G. Logan and Thomas W. Marshall, Sr., as members of H.M.L. Development, LLC, as original owner(s) and developers of the property known as Utopia Estates Phase I Subdivision, which includes a street known as Utopian Way as shown on the plat of record as referred to in the premises, to dedicate said street to the County of Mason County, Kentucky.



SCOTT HAMMONDS



DONALD G. LOGAN



THOMAS W. MARSHALL, SR.